

**CHAPTER NO. 1022**

**HOUSE BILL NO. 2784**

**By Representative Chumney**

**Substituted for: Senate Bill No. 3073**

**By Senator Fowler**

AN ACT to establish advance notice procedures relative to the adoption contact veto registry and to amend Tennessee Code Annotated, Title 36, Chapter 1.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 1, is amended by adding the following as a new part to be appropriately designated:

Section 1. The object of this part is to establish an advance notice system which enables an eligible person to request the department to provide advance notification prior to the release of adoption records, sealed records, sealed adoption records, post-adoption records, or any other records or papers under Tennessee Code Annotated §36-1-127(c) which has information regarding such person in order to give the person requesting advance notification the opportunity to prepare for the release and any impact this might have on the person or the person's family or associates. If the department has received such a request, it shall delay the release of the adoption records, sealed records, sealed adoption records, post-adoption records, or any other records or papers to another person during the advance notice period.

Section 2. In this part,

(1) "Advance notice period" means the fifteen (15) day period from the date of mailing a notice regarding the impending release of adoption records, sealed records, sealed adoption records, post-adoption records, or any other record or papers to a person who has requested that the department provide advance notice prior to releasing said information.

Section 3.

(a) A person is entitled to file a request to be given advance notice before any adoption record, sealed record, sealed adoption record, post-adoption record, or any other records or papers with information regarding said person is released to another person if the person seeking to file the request is otherwise eligible to receive such information pursuant to this part.

(b) An eligible person desiring to place his/her name on the Advance Notice Registry shall notify the department in writing on a form provided by the department, provide satisfactory proof of identity, and pay any necessary fees. The department shall supply the registration form upon request.

Section 4.

(a) The department shall establish and maintain an Advance Notice Registry. Notwithstanding any other law to the contrary, the Advance Notice Registry shall not be considered part of the post-adoption record or any other record or paper subject to release under Tennessee Code Annotated, Section 36-1-127(c), and the information contained in the Advance Notice Registry shall be confidential.

(b) The Advance Notice Registry shall include, but not be limited to, the following information:

(1) the name of each person who has duly filed an advance notice request; and

(2) the address given by the person as the mailing address at which any postal contact by the department with the person should be made; and

(3) the date and place of birth of the person filing with the Advance Notice Registry; and

(4) the persons or class of persons affected by the request; and

(5) the advance notice period.

(c) A person whose name is entered in the Advance Notice Registry shall advise the department of any change in his or her address.

Section 5. The department shall announce the existence of the Registry and its service within ninety (90) days of January 1, 1999, through appropriate publicity and media coverage as may be available without cost. The department is authorized to promulgate necessary rules and regulations to facilitate the implementation of this act in accordance with Tennessee Code Annotated, Title 4, Chapter 5, Part 2.

SECTION 2. Tennessee Code Annotated, Section 36-1-141(a)(1), is amended by adding the words and punctuation "for registering requests with the Advance Notice Registry," after the words and punctuation "for registering requests for contact vetoes,".

SECTION 3. This act shall take effect as follows, the public welfare requiring it:

(a) on January 1, 1999, for the purposes of Section 5 of Section 1; and

(b) on July 1, 1999, for the purpose of all remaining sections of this act, or as soon as the appropriate mechanisms are in place.

**PASSED: May 1, 1998**

  
JIMMY RAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 18<sup>th</sup> day of May 1998

  
DON SUNDQUIST GOVERNOR